

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-5 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Rejection under 35 U.S.C. 112

Claim 2 stands rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. This rejection is respectfully traversed.

The Examiner questions the meaning of the term “polymer polyethylene acrylic resin” in claim 2. In particular the Examiner feels it is unclear as to whether this a copolymer of polyethylene and acrylic or a statement of an alternative of either polyethylene resin or an acrylic resin. By way of the present amendment, Applicants have amended this phrase to make it clear that this refers to a copolymer of polyethylene and acrylic resin. Applicants are also amending the specification so that this terminology is now clearly disclosed in the specification as well. Accordingly, this objection is believed to be overcome.

Rejection under 35 U.S.C. 103

Claims 1, 2 and 5 stand rejected under 35 U.S.C. 103 as being obvious over Lewis (USP 3,403,070) in view of Gordon et al. (USP 5,650,384) and Weihrauch (GB 2137080). This rejection is respectfully traversed.

The Examiner relies on Lewis to show a filament for bristles and mops having a foam material as a core. A polyolefin outer shell surrounds the polyurethane foam inner core. The Examiner equates the outer shell to a polyethylene composition.

The Examiner relies on Gordon et al. to teach a cleansing system having a mesh sponge. The Examiner relies on the British patent to show a plastic bristle for use in brushes having a supporting core and a working layer. The working layer colors the bristles. The Examiner feels it would have been obvious to make the fibrous bristles of Lewis and Weihrauch into a mesh structure as shown by Gordon. The Examiner feels that motivation is creating a material that has enhanced rigidity.

Applicants submit that the present claims are not obvious over this combination of references. First, Applicants submit that it would not be obvious to use the bristles of Lewis or Weihrauch in a bath sponge such as shown in Gordon et al. Both Lewis and Weihrauch show bristles for use in brushes and mops. Applicants submit that it would be obvious to utilize these type of bristles in a bath sponge. The Examiner has suggested that the motivation would be to create a material that has any enhanced rigidity. In fact, since bath sponges are typically soft materials, Applicants submit that it would not be obvious to use the material of a stiff bristle from a brush and would not be obvious to make such a bath sponge more rigid. Applicants submit that there is no showing of any reason why one would want to use a stiff brush bristle in a bath sponge which is typically soft.

Applicants furthermore submit that even if these references were combined it would not teach the present invention. In particular, claim 1 has been amended to specify that the resin layer is a copolymer of polyethylene resin and acrylic resin. This is not shown in any of the

references. Furthermore, none of the references show a sponge fiber including a foam body and a resin layer in a bath sponge. While two of the references show the concept of a two layered bristle, neither of these show them used in a bath sponge or similar soft application. The other reference shows a bath sponge but does not include a fiber of multiple layers. Accordingly, Applicants submit that claim 1 is not obvious over this combination of references.

Claims 2-5 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable. Thus, claim 2 describes the resin layer as being a water soluble pigment. Claim 5 describes the sponge fibers as being high density and having course pores without a foam membrane. These features are also additionally allowable. Claims 3 and 4 relate to the method of applying the resin layer to the sponge fibers. For these reasons, Applicants submit that these claims are additionally allowable.

Claim 3 stands rejected under 35 U.S.C. 103 as being obvious over Lewis, Gordon and Weihrauch and further in view of Ballesteros (USP 4,104,435). Claim 4 stands rejected under 35 U.S.C. 103 as being obvious over Lewis, Gordon and Weihrauch and further in view of JP 02149241. These rejections are respectfully traversed.

Applicants submit that these claims remain allowable based on their dependency from allowable claim 1. Even if the Ballesteros and Japanese references show the particular process of spraying or immersing the fibers in the resin layer, Applicants submit that these claims remain allowable based on their dependency from an allowable independent claim.

Conclusion

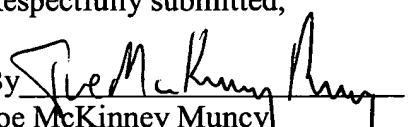
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: JUL 27 2006

Respectfully submitted,

By 
Joe McKinney Muncy
Registration No.: 32,384
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

